

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of : Paul C. Zimmer

U.S. Serial No. : 09/612,821

Filed On : July 10, 2000

For : PROMOTIONAL CALENDAR AND METHOD

Examiner : M. Torres

Art Unit : 3613

Attorney Docket No. : ZMM-101



APPELLANT'S BRIEF

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

REAL PARTY IN INTEREST

Applied Printing Company, Inc., 22438 Woodward Ave., Ferndale, Michigan

48220.

RELATED APPEALS AND INTERFERENCES

None.

STATUS OF CLAIMS

Claims 1-5 have been presented, claims 1-5 all standing as rejected, the rejections of all of the claims is here appealed.

STATUS OF AMENDMENTS

No Amendments after the final rejection have been filed.

SUMMARY OF THE INVENTION

The present invention comprises a promotional daily calendar 10 and promotional method.

The calendar 10 (Figure 1) has a separate page 12 for each day, each page has a prominent imprint 12 of the name of a recipient of the calendar to thereby be personalized. Each page also has an imprint 18 identifying a donor enterprise to be promoted to the recipient. (Page 3, lines 3-13).

In order to further attract the attention of the recipient, a different text message 22 may be printed on each page 12.

Thus, each day, this arrangement creates a favorable fresh association of the donor enterprise and the recipient to thereby effectively promote the same with the recipient everyday over an extended period of time (Page 3, lines 19-21).

ISSUES PRESENTED

I. Is the calendar of claims 1-3 unpatentable over Hallam (U.S. 964,967) in view of Deaton (U.S. 1,427,786) under 35 USC 103(a)?

II. Is the method of claims 4 and 5 unpatentable over Hallam in view of Deaton under 35 USC 103(a)?

GROUPING OF CLAIMS

Claims 1, 3 and 4 are grouped together and claims 2 and 5 are separately argued.

ARGUMENT

The Examiner, in rejecting all of the claims under 35 USC 103(a), relies on the combination of Hallam (U.S. 964,967) and Deaton (U.S. 1,427,786).

Hallam describes a book of detachable sheets together comprising a daily calendar with a separate page for each day, each page imprinted with a different message. Advertising copy can be applied in the space B, and each page is placed against a store window. Neither the name of a recipient or sponsor appears on any page.

Deaton describes a calendar in which each page collectively shows all the days of a particular month. A header flap 15 does have a donor and recipient name imprinted thereon. Each monthly page is turned up and secured beneath the flap 15 to display each month successively.

The Examiner asserts that it would have been obvious to one of ordinary skill in the art to apply the personalization of Deaton on the calendar of Hallam as it is alleged to be well known marketing technique.

Applicant urges that this suggestion to one skilled in the art would not be made and particularly due to the diverse nature of these references.

Hallam, U.S. 964,967 does not describe a calendar to distribute to users. Rather, the Advertising Device disclosed is a collection of sheets, each printed with a date and having a space 7B where advertising may be inserted. The sheet is stuck to the inside of a shop window to

be displayed to passers by. There is no mention of the nature of the advertising, i.e., presumably this would be a special sale price for particular goods etc., since the name of the shop would presumably be displayed elsewhere by a permanent sign.

The name of the enterprise is thus not described as being printed on the page in the device of Hallam.

Deaton describes a Record Calendar in which space is provided for the user to make handwritten entries. Each page is foldable up along a hinge strip 13 and can be held under flap 15.

The name of a person and a sponsoring enterprise appear only on the flap 15, not on each page. There is no individual page devoted to each date.

The concept of the present invention is to freshly direct the owner's daily attention to a positive association between the name of the recipient and the sponsoring enterprise. The need to turn the page each day draws attention to the printed name of the owner and the enterprise who gave him or her the calendar, as the natural tendency when turning a page is to visually confirm the date on the next page, causing one to consciously look at each page. This drawing of the user's attention to each page is reinforced by the inclusion of the text message recited in claims 2 and 5.

Neither cited reference discloses or suggests this arrangement either taken individually or collectively. Hallam is directed to a device for conducting impersonal advertising, not a personalized promotion by association. Deaton does not personalize each page or devote a separate page to each date. There is absolutely no suggestion in Deaton that a particular name should be imprinted on each page. This would not make any sense, since the

advertising is to be displayed in a shop window, not directed to anyone in particular.

There is no suggestion in either Hallam or Deaton that a daily calendar be so modified.

The fresh presentation of a visual association of the sponsor and recipient each day of the year is important advance in promotional methodology.

Accordingly, claims 1-5 are urged to define patentably over Hallam and Deaton and the other references of record which likewise do not show the claimed arrangement.

Favorable reconsideration is respectfully requested.

Respectfully submitted,

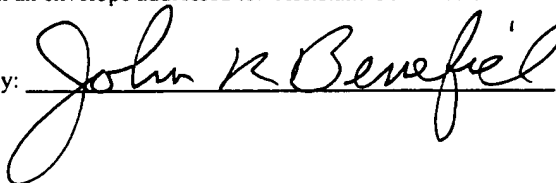
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By: 

CLAIMS ON APPEAL

1. 1. A promotional calendar comprising:
a series of pages each imprinted with a respective day of the year and held together to allow turning or tear off of each page;
each page prominently printed with the name of a person to personalize the calendar;
each page also prominently printed with an identifier of an enterprise to be promoted.
2. The calendar of claim 1 wherein a differing text message is also imprinted on each calendar page.
3. The calendar of claim 2 wherein only the date is printed on each page to provide a perpetual calendar.
4. A method of promoting an enterprise to selected individuals comprising the steps of prominently printing the name of each such individual on each page of a daily calendar as well as an enterprise identifier; and,
distributing said calendar to each of said individuals.
5. The method according to claim 4 further including the step of imprinting a

different message relating to the enterprise on each page of said daily calendar.